

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

JESSICA HIRNER, )  
Plaintiff, )  
v. ) Case No. 2:21-CV-38 SRW  
KILOLO KIJAKAZI, )  
Acting Commissioner of Social Security )  
Administration, )  
Defendant. )

**MEMORANDUM AND ORDER**

On November 4, 2022, Plaintiff Jessica Hirner filed an Application for Award of Attorney's Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. ECF No. 30. In the motion, Plaintiff requests she be awarded \$6,696.44 for fees, representing a total of 29.4 hours of attorney work at the hourly rate of \$227.77. On November 18, 2022, the Commissioner filed a response indicating, "After discussions with Plaintiff's counsel, Plaintiff and Defendant have agreed to an award of EAJA fees and expenses in the amount of \$6,500." ECF No. 32. No reply has been filed.

The Court has an independent duty to review the reasonableness of an EAJA award. *See* 28 U.S.C. § 2412(d)(2)(A) (requiring the Court to find that attorney's fees in excess of \$125.00 per hour are justified by an increase in the cost of living or a special factor such as the limited availability of qualified attorneys). Because Plaintiff has not filed a reply to the Commissioner's assertion of a lower award, the Court will direct her to file a statement as to whether she does, in fact, consent to the reduced amount and include a revised calculation of fees.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff shall file a reply on or before December 5, 2022. The reply should indicate whether Plaintiff consents to the reduced amount and include a revised calculation of fees.

So Ordered this 28th day of November, 2022.



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STEPHEN R. WELBY  
UNITED STATES MAGISTRATE JUDGE